

AFFIDAVIT

I, Philip Sipple, a Detective of the Kansas City, Missouri Police Department and Task Force officer with Federal Bureau of Investigation, do hereby state under oath that I make this affidavit in support of an application for a search warrant authorizing the search of Facebook, Inc. (Facebook) account "Codi Monteer", Facebook account ID: 100056476667717, <https://www.facebook.com/codi.monteer.5>.

1. I am a Detective with the Kansas City, Missouri Police Department (KCMOPD) and have been employed by the KCMOPD for twenty years. I was assigned as a Patrol Officer for approximately thirteen and a half years. I have previously been a Detective in the Domestic Violence Unit, Traffic Investigations Section, and Street Narcotics Undercover Squad for a total of approximately four and a half years. I am currently assigned to the Drug Enforcement Unit, where I have been working for two years. I have also been a Task Force Officer with the Federal Bureau of Investigation for one year. During my tenure in the Drug Enforcement Unit, I have been involved in numerous investigations of individuals for importing and distributing controlled substances and possessing and trafficking illegal firearms. I have communicated extensively with other state and federal law enforcement personnel who specialize in drug and firearms investigations. I have extensive experience with interviewing defendants, participating witnesses, informants, and other persons with personal experience and knowledge of drug and illegal firearms trafficking.

2. This Affidavit contains information necessary to support probable cause for the application. It is not intended to include every fact or matter observed by me or known by law enforcement. The information provided is based on my personal knowledge and observations, information conveyed to me by other law enforcement officials, information discovered through

confidential sources, and my review of reports prepared by law enforcement officials.

PLACE TO BE SEARCHED AND EVIDENCE TO BE SEIZED

3. This affidavit is in support of a search warrant to require Facebook to disclose to the government records and other information associated with the Facebook account “Codi Monteer”, Facebook account ID: 100056476667717, <https://www.facebook.com/codi.monteer.5> (“**Target Account**”) that are stored at premises owned, maintained, controlled, or operated by Facebook, a social networking company headquartered at 151 University Avenue, Palo Alto, California, 94301. The information to be disclosed by Facebook and searched by the government is described in the following paragraphs and in Attachments A and B.

4. The property to be seized from the **Target Account** is described in Attachment B.

OFFENSES UNDER INVESTIGATION

5. Based upon my training and experience, and on the facts set forth in this Affidavit, there is probable cause to believe CODI MONTEER and CURTIS LEWIS committed violations of Title 21, United States Code, Sections 841(a)(1) and 846, conspiracy and attempt to possess with intent to distribute and distribution of controlled substances; Title 18, United States Code, Section 924(c), possession of a firearm in furtherance of a drug trafficking crime; Title 18, United States Code, Section 922(g), felon in possession of a firearm, and Title 18, United States Code, Section 2, aiding and abetting the commission of the aforementioned offenses (hereinafter “**Target Offenses**”).

PROBABLE CAUSE

6. On December 3, 2020, officers with the KCMOPD were dispatched to 137 N. White Avenue, Kansas City, Missouri, on a medical call. Radawn Kelley (DOB: 01/22/1987) was transported to Truman Medical Center. Officers contacted CODI MONTEER (W/M, DOB

he provided was: 12/04/1987¹), who stated he was Kelley's boyfriend. MONTEER notified officers that Kelley drank a pint of Crown (a brand of liquor) and took a Xanax (alprazolam) but was in bed asleep and snoring when he left the residence. On December 5, 2020, Kelley passed away at Truman Medical Center. On January 11, 2021, investigators were notified by the Jackson County Medical Examiner's Office that an autopsy of Kelley revealed she died from complications of fentanyl and alprazolam intoxication.

7. On August 19, 2021, investigators contacted Zachary Williams (DOB: 02/13/1991) to discuss the distribution of controlled substances in the Kansas City metropolitan area. Williams was advised of his *Miranda* rights and waived those rights prior to being asked any questions. Williams stated CURTIS LEWIS (B/M, DOB: 04/08/1983), a 40-year-old black male using the moniker "Cuz" was selling large amounts of black tar heroin. Williams stated he has seen LEWIS with as much as 300 grams of black tar heroin.

8. On August 25, 2021, investigators contacted Ian Hazel (DOB: 11/30/1989) to discuss the distribution of controlled substances in the Kansas City metropolitan area. Hazel was advised of his *Miranda* rights and waived those rights prior to being asked any questions. Hazel told investigators he has purchased fentanyl and methamphetamine from MONTEER, and MONTEER can sell up to twenty-five pounds of methamphetamine in a week and is currently supplied by individuals in Mexico via a shipping service. Hazel stated MONTEER lives around East 12th Street and Euclid Avenue in Kansas City, Missouri. Hazel also indicated MONTEER might own several of the houses on Euclid Avenue between East 12th and East 13th Streets.

9. On August 30, 2021, investigators spoke with Hazel again. Hazel stated he has known MONTEER for approximately nine years. Hazel stated MONTEER started selling

¹MONTEER's date of birth is 01/24/1987.

controlled substances in August 2020. Hazel informed investigators that since August 2020, he has purchased approximately 1.4 kilograms of heroin, 1.8 kilograms of methamphetamine, and 226 grams of fentanyl from MONTEER. During his contacts with MONTEER, Hazel has observed approximately 1 kilogram of heroin, 22.6 kilograms of methamphetamine, 283 grams of fentanyl, and 2,500 “M30” pills. Hazel also stated he traded MONTEER a .300 Blackout AR-15 style pistol for 226.8 grams of methamphetamine. Hazel also stated he traded MONTEER a Glock 23, .40 caliber firearm for a Springfield XD, .45 caliber firearm.

10. Based on training and experience, investigators are aware that counterfeit oxycodone pills containing fentanyl are being distributed in the Kansas City area. These pills are typically blue in color and stamped with “M” and “30.” These counterfeit pills have been associated with numerous fatal and non-fatal fentanyl overdoses in the Kansas City area.

11. On September 15, 2021, investigators contacted a Confidential Source (CS) who provided information about a group selling black tar heroin, methamphetamine, fentanyl, and cocaine in the Kansas City metropolitan area. The CS stated one of the individuals uses the monikers “Menace” and “Cuz Lewis,” and the other individual goes by “Jason Wren.” The CS stated “Menace” and “Jason Wren” sell drugs from 1219 Euclid Avenue, Kansas City, Missouri, and the residence next door, which the CS believed was 1223 Euclid Avenue. The CS stated “Menace” and “Jason Wren” have several firearms to include assault rifles, a 3D printed gun called a “ghost gun,” and a pill press used to make counterfeit pills containing fentanyl.

12. On September 17, 2021, investigators met with Williams again. After waiving his *Miranda* rights, Williams stated Marc Downs (DOB: 06/30/1989) and Joseph Garcia (DOB: 12/25/1991) were selling fentanyl and in possession of several firearms. Williams further stated Downs resides at “1220 Euclid” and sells guns and drugs from the residence. Investigators believe

Downs resides at 1225 Euclid Avenue, Kansas City, Missouri. Williams informed investigators that the methamphetamine sold by Downs is very potent and looks like very clear shards of broken glass. Williams stated he recently traded Downs a five-shot revolver for twenty-one grams of methamphetamine. The trade of the firearm for methamphetamine occurred at Downs's residence on Euclid. During the transaction, Williams observed Downs to be in possession of approximately one ounce of fentanyl and half a pound of methamphetamine. Williams further stated MONTEER is selling large quantities of methamphetamine in the northland area of Kansas City, Missouri.

13. On September 19, 2021, investigators located an advertisement on a Facebook Marketplace page titled "Kansas City Swap Shop" that listed a 1968 Oldsmobile Cutlass, blue with white top, two-door coupe with 26" chrome rims for sale. The advertisement was listed by a Facebook profile with the name "Codi Monteer." It is currently unclear if the advertisement was listed through the **Target Account**. The specific account identifiers, the account identification number and/or URL, for the profile that listed the advertisement were not obtained by the observing detective and investigators later learned MONTEER had more than one Facebook profile in his name.

14. On September 22, 2021, the CS and an unwitting source arranged the purchase of controlled substances from "Menace" by contacting him through Facebook Messenger where he (LEWIS) utilized his Facebook account "Cuz Lewis." The CS and unwitting source were searched for controlled substances, firearms, and money with negative results. Investigators provided the CS with \$300 of pre-recorded buy money. The CS and the unwitting source drove to 1219 Euclid Avenue and made phone contact with "Menace" telling him they were outside. Surveillance investigators observed LEWIS exit the front door of 1219 Euclid Avenue while the CS and unwitting source walked into 1219 Euclid Avenue. LEWIS, the CS, and unwitting source

sat in the living room of the residence and discussed the price of drugs. The CS told LEWIS the CS wanted \$300 worth of methamphetamine and black tar heroin. The CS handed LEWIS the \$300 or pre-recorded buy money in exchange for purported methamphetamine and heroin. The CS and unwitting source told LEWIS they were looking to purchase a quarter pound of methamphetamine, to which LEWIS responded that he could obtain that by the next day (September 23, 2021). The CS and unwitting source exited the residence and left the area.

15. The CS provided investigators with the purchased substances. The CS and unwitting source were again searched for controlled substances, firearms, and money with negative results. The CS and unwitting source told investigators LEWIS and MONTEER may be stepbrothers. Investigators showed the CS a photograph of MONTEER, and the CS identified him as the individual the CS knew as “Jason Wren.”

16. Information the CS has provided to date has been verified by investigators and found to be reliable. The CS does not have any felony convictions. The CS is currently working for consideration related to the CS’s arrest for possession of methamphetamine. Additionally, the controlled buys conducted in this investigation were audio recorded and monitored by investigators.

17. The purported methamphetamine weighed approximately 23.25 grams, and the TruNarc device indicated the presence of methamphetamine. The purported black tar heroin weighed approximately 1.2 grams, and the TruNarc device with the “H” solution indicated the presence of heroin.

18. Video was obtained during the controlled buy at 1219 Euclid Avenue on September 22, 2021. In the video, the CS holds what appears to be a clear plastic Ziploc-style bag containing

approximately two ounces (56.7 grams)² of purported methamphetamine. The video also shows what appears to be a black AR-15 style handgun laying on the floor inside 1219 Euclid Avenue.

19. On September 23, 2021, the CS arranged the purchase of controlled substances from LEWIS by contacting LEWIS on Facebook Messenger through his account “Cuz Lewis.” Before the purchase, the CS was searched for controlled substances, firearms, and money with negative results. Investigators provided the CS with \$1,200 of pre-recorded buy money. The CS drove to 1219 Euclid Avenue. When the CS arrived, LEWIS was standing on the porch of 1225 Euclid Avenue. 1225 Euclid Avenue is the next residence to the south of 1219 Euclid Avenue. LEWIS walked to 1219 Euclid Avenue and the CS and LEWIS entered the residence. The CS provided LEWIS with the \$1,200 of pre-recorded buy money in exchange for 114.87 grams of purported methamphetamine. The CS exited the residence and left the area.

20. The CS provided investigators with the purchased substance. The CS was again searched for controlled substances, firearms, and money with negative results. Investigators showed the CS a photograph of LEWIS, and the CS identified him as the individual the CS knew as “Menace” and “Cuz Lewis.” The CS confirmed LEWIS was the person the CS had purchased controlled substances from in the controlled buys on September 22 and 23, 2021.

21. The purported methamphetamine weighed approximately 114.87 grams, and the TruNarc device indicated the presence of methamphetamine.

22. On September 30, 2021, the CS arranged the purchase of controlled substances from LEWIS by contacting LEWIS on Facebook Messenger through his account “Cuz Lewis.” The CS was searched for controlled substances, firearms, and money with negative results.

²This is a conservative estimate by investigators based only on the appearance of the substance.

Investigators provided the CS with \$2,200 of pre-recorded buy money. The CS went to 1219 Euclid Avenue and knocked on the front door. An unknown white male with tattoos on his face, believed to be Downs, exited 1225 Euclid Avenue and walked to 1219 Euclid Avenue. The male knocked on the door and then opened a window and began yelling inside the residence for “Curt” who did not answer immediately. LEWIS ultimately responded and the CS and unknown male entered 1219 Euclid Avenue to join LEWIS. An unknown white female exited 1225 Euclid Avenue and then entered 1219 Euclid Avenue. After a brief argument, the unknown male and unknown female exited 1219 Euclid Avenue and returned to 1225 Euclid Avenue where they entered the residence. LEWIS informed the CS that they would have to go to another place to get the methamphetamine. The CS and LEWIS entered the CS’s vehicle.

23. LEWIS directed the CS to 2450 Hardesty Avenue, Kansas City, Missouri. Upon pulling into the parking area for 2450 Hardesty Avenue, the CS and LEWIS started talking about a vehicle parked in the parking area. LEWIS stated it was a 1968 Oldsmobile Cutlass with 26” rims, which matched the description of the vehicle advertised on Facebook by the profile in the name of MONTEER. The CS provided LEWIS with the \$2,200 of pre-recorded buy money. LEWIS took the money and approached the basement door of 2450 Hardesty Avenue. After he knocked, the door opened, and LEWIS entered the basement door. A short time later, LEWIS exited the residence and returned to the CS’s vehicle. Once inside the vehicle, LEWIS showed the CS approximately ten ounces (283.5 grams) of purported methamphetamine.

24. The CS then drove LEWIS back to 1219 Euclid Avenue. Inside, LEWIS weighed out two grams of purported fentanyl and seven ounces (198.45 grams) of purported methamphetamine and provided it to the CS. During the controlled buy, LEWIS also told the CS that the back of 1225 Euclid Avenue was a “bike” shop. LEWIS stated, “it’s actually not a bike

shop; it's a house that we hustle out of too." The CS asked LEWIS if anyone could go over there, or if that house was just for certain people. LEWIS told the CS it is not for everybody because "we are selling dope out the house at the same time the bikes are getting fixed."

25. The CS provided investigators with the purchased substances. The CS was again searched for controlled substances, firearms, and money with negative results.

26. The purported methamphetamine weighed approximately 197.55 grams, and the TruNarc device indicated the presence of methamphetamine. The purported fentanyl weighed approximately two grams, and the TruNarc device indicated the presence of fentanyl.

27. On October 3, 2021, officers with the KCMOPD were dispatched to 2543 Holmes Road, Kansas City, Missouri, on a report of a suspicious prowler. The officers contacted the owner of the property, who was utilizing the property for short-term rentals through Airbnb, and requested the occupants be removed from the property for several violations of the rental agreement. Upon arrival, the officers contacted a white male, later identified as MONTEER, in the living room of the apartment. MONTEER stated his girlfriend was in the bedroom getting dressed. MONTEER then exited the residence and left the area. The officers then contacted Brittney Stanley (DOB: 12/10/1992). Stanley told officers the backpack and shoebox she put on the front porch of the residence did not belong to her.

28. Officers took custody of the backpack and shoebox on the porch. Inside the backpack and shoebox, officers located approximately 98.38 grams of fentanyl, 150.47 grams of methamphetamine, 3,672 grams of marijuana, 324 grams of psilocybin mushrooms, 834 blue pills imprinted "M30", 53 unknown pink pills, and 572.44 grams of unknown substances. Officers also recovered \$6,846 in United States currency; a Rock Island Armory, .38 Super caliber M1911A1 firearm, serial number RIA2061498; a stolen Glock, Model 23, .40 caliber firearm,

serial number RN911; nine rounds of .38 Super ammunition; and thirteen rounds of .40 caliber ammunition. Based on the recovery by officers, Stanley was arrested. A search incident to her arrest revealed approximately 14.9 grams of methamphetamine, ten bars of Xanax (alprazolam), and 5.97 grams of marijuana.

29. The owner of the property at 2543 Holmes Road, Kansas City, Missouri, requested the vehicles parked in the driveway and blocking the driveway to the property be towed. The officers observed a blue with white top 1968 Oldsmobile Cutlass (VIN #336778M3440282) parked in the driveway, a vehicle associated with MONTEER, and a black 2012 Nissan Altima, bearing Missouri license #05NUQ8, blocking the driveway. The inventory prior to towing the Nissan resulted in the recovery of a Century Arms, AK-47, 7.62x39 mm, bearing serial number M70B1C301326; a Smith and Wesson, Model 15, .38 caliber revolver, bearing serial number K656338; nineteen rounds of 7.62x39 ammunition; and six rounds of .38 caliber ammunition.

30. On October 7, 2021, a United States Postal Inspector intercepted a package addressed from Jesus Ramon, 1152 S. Ditman Avenue, Los Angeles, California and addressed to Gorge Ramos, 2450 Hardesty Avenue #C, Kansas City, Missouri (a residence associated with MONTEER). A police K-9 alerted to the package, indicating the odor of controlled substances emanating from the package. At that time, the package was seized. A federal search warrant (21-SW-00442-WBG) was issued allowing the search of the package. When the search warrant was executed, investigators located approximately 169.21 grams of fentanyl, 1,883.56 grams of methamphetamine, and 2,000 pills imprinted "M30."

31. On October 14, 2021, the CS arranged the purchase of controlled substances from LEWIS by contacting LEWIS on Facebook Messenger through his account "Cuz Lewis." The CS was searched for controlled substances, firearms, and money with negative results.

Investigators provided the CS with \$2,000 of pre-recorded buy money. The CS went to 1219 Euclid Avenue and met with LEWIS. Outside 1219 Euclid Avenue, near the CS's vehicle, the CS and LEWIS met with MONTEER who gave the CS 100 "M30" pills in exchange for \$1,100 of the pre-recorded buy money.

32. The CS, LEWIS, and MONTEER entered 1219 Euclid Avenue. While inside, a party believed to be Jamison E. Hopson-Stephens (DOB: 06/24/1984) arrived carrying a black duffle bag. The CS was introduced to this person, believed to be Hopson-Stephens, and the CS was told his name was "Jay." The CS observed MONTEER give Hopson-Stephens \$12,000. The CS then purchased five grams of fentanyl from "Jay" in exchange for \$900 of pre-recorded buy money.

33. During the controlled buy, LEWIS told the CS about the incident that led to a shooting on October 3, 2021, where LEWIS suffered three gunshot wounds to the leg. LEWIS told the CS the shooting was not random or road rage. LEWIS stated he knew who shot him and returned fire during the incident. LEWIS would not disclose the identity of the person(s) responsible for the shooting. However, during the controlled buy, LEWIS was carrying a Glock, Model 30, .45 caliber firearm. LEWIS told the CS the firearm he possessed during the buy was the same firearm he used during the October 3 shooting.

34. The CS provided investigators with the purchased substances. The CS was again searched for controlled substances, firearms, and money with negative results. The CS told investigators that "Jay" had approximately four ounces (113.4 grams) of what the CS believed to be fentanyl in the duffle bag. The CS also observed a money counter and pill press inside 1219 Euclid Avenue.

35. The purported fentanyl weighed approximately five grams, and the TruNarc device indicated the presence of fentanyl.

36. On October 15, 2021, about eight days after the package addressed to 2450 Hardesty Avenue was seized by the United States Postal Service, investigators drove by 2450 Hardesty Avenue and observed LEWIS and MONTEER moving items out of the basement of the residence and placing them on a trailer. Based on their observations, investigators believed MONTEER was moving out of the residence on Hardesty Avenue. Investigators also observed MONTEER place unknown items in the trunk of a red Audi, bearing Illinois license 150316, before leaving the area. Investigators followed MONTEER to a residence at 5003 N. Topping Avenue, Kansas City, Missouri. In the backyard of the residence next door, 5007 N. Topping Avenue, investigators observed the blue and white 1968 Oldsmobile Cutlass with 26" wheels.

37. On October 26, 2021, at approximately 8:15 p.m., the CS drove to 1219 Euclid Avenue and met with LEWIS. This meeting was arranged with LEWIS on Facebook Messenger through his account "Cuz Lewis." After the CS arrived, LEWIS called MONTEER via cellular telephone and arranged to buy a quarter pound of methamphetamine and twenty grams of fentanyl. At approximately 12:30 a.m. on October 27, 2021, LEWIS and the CS drove to the Sinclair gas station located at 5101 E. Front Street, Kansas City, Missouri. LEWIS mentioned to the CS how close the Sinclair gas station was to MONTEER's address and provided the address of "5003 N. Topping." The CS asked if the fentanyl from MONTEER would be as good as the fentanyl the CS previously purchased from "Jay." LEWIS implied that it would be the same quality by telling the CS that he (LEWIS), MONTEER, and "Jay" all had the same source of supply.

38. While waiting for MONTEER to arrive at the gas station, LEWIS received a phone call from MONTEER stating he (MONTEER) was leaving his residence. Investigators have a

covert pole camera directed toward 5003 N. Topping Avenue. After LEWIS received the phone call from MONTEER stating MONTEER was leaving his residence, investigators, through the covert pole camera, observed an individual matching MONTEER's description exit the residence at 5003 N. Topping, enter the driver's seat of a red Audi, and leave the area. LEWIS and MONTEER discussed MONTEER's location over the phone several times until the red Audi pulled into the parking lot of the Sinclair gas station and parked next to LEWIS and the CS. At that time, it was confirmed MONTEER was the driver of the red Audi.

39. Once MONTEER arrived at the Sinclair gas station, he (MONTEER) contacted LEWIS at the CS's vehicle. The CS provided LEWIS \$3,500 in pre-recorded buy money. LEWIS obtained purported methamphetamine and fentanyl from MONTEER. The CS and LEWIS then left the Sinclair station. MONTEER left the Sinclair station and drove toward 5003 Topping. However, MONTEER parked outside of a residence on the way to 5003 Topping and remained in the red Audi. Due to the time of night and inability to remain covert, physical surveillance of MONTEER had to be terminated. The CS and LEWIS returned to 1219 Euclid Avenue where LEWIS weighed out the purported fentanyl. LEWIS provided the CS with approximately 114 grams of purported methamphetamine and 21.22 grams of purported fentanyl. The CS observed at least 80 grams of purported fentanyl in LEWIS's possession at 1219 Euclid Avenue.

40. The purported methamphetamine weighed approximately 114.12 grams, and the TruNarc device indicated the presence of methamphetamine. The purported fentanyl weighed approximately 21.22 grams, and the TruNarc device indicated the presence of tramadol. The substances have been forwarded to the crime laboratory for confirmatory testing.

41. On November 10, 2021, LEWIS was charged by federal complaint (21-MJ-00127-JAM(WBG)) with being a felon in possession of a firearm on November 9, 2021, when

investigators executed a federal search warrant (21-SW-00487-JAM) at 1219 Euclid Avenue, Kansas City, Missouri and found LEWIS inside the residence with two firearms.

42. On November 16, 2021, a federal grand jury returned an indictment in case number 21-CR-00265-01/02-CR-W-DGK charging MONTEER and LEWIS with a Conspiracy to Distribute Controlled Substances in violation of 21 U.S.C. §§ 841(a)(1), (b)(1)(A), and 846 and LEWIS with being a Felon in Possession of a Firearm in violation of 18 U.S.C. §§ 922(g)(1) and 924(a).

43. On that same date, November 16, MONTEER was taken into custody on an outstanding parole violation warrant. Investigators received information that MONTEER was driving a rented yellow Ford Mustang. The owner of the vehicle utilized GPS data to give officers the location of the vehicle. Officers located the vehicle at 5760 Indiana Avenue, Kansas City, Missouri. A driver entered the vehicle and drove around for a short time before returning to the residence. When the driver exited, officers positively identified him as MONTEER. Uniformed officers surrounded the residence and attempted to call MONTEER outside. After a few hours of negotiation, three adults exited the residence and were taken into custody. After their exit, MONTEER was observed slamming the front door of the residence shut. Officers obtained a search warrant for the residence from the Jackson County, Missouri Circuit Court allowing them to make entry to search for MONTEER. Before officers made entry, MONTEER voluntarily exited the residence and was arrested on his outstanding parole warrant.

44. The owner of the yellow Ford Mustang was contacted and said the vehicle was supposed to be returned at 5:00 p.m. on November 16, 2021. The key fob for the vehicle was located in an HVAC duct inside 5760 Indiana Avenue. After the vehicle was passed the agreed upon return time, the owner gave investigators consent to search the vehicle. Investigators located

a loaded Anderson Manufacturing, AM-15, multi-caliber pistol, bearing serial number 19169385 resting on the front passenger seat with the barrel resting on the passenger's side floorboard.

45. In a black backpack located in the rear passenger's seat, investigators located a Master Piece Arms, 9mm semi-automatic handgun, bearing serial number FX05085; a loaded Springfield Armory, Model XD, .357 Sig semi-automatic firearm, bearing serial number US332193; firearm magazines; ammunition; a digital scale with residue; plastic bags and rubber bands consistent with drug distribution; three (3) plastic bags containing approximately 454.81 grams of marijuana; multiple plastic bags weighing approximately 731.95 grams containing a white crystal like substance that tested positive for the presence of methamphetamine with TruNarc; and a plastic bag containing a black tar like substance that TruNarc indicated contained fentanyl or methamphetamine.

46. On January 27, 2022, a search warrant (22-SW-00041-JAM) was issued by the Honorable Jill A. Morris authorizing investigators to seize information from LEWIS' Facebook account "Cuz Lewis", Facebook account ID: 100041247165944. On February 25, 2022, investigators downloaded the records received from Facebook in response to the search warrant.

47. During a review of the records, investigators found private messages exchanged between LEWIS and the **Target Account**, utilized by MONTEER, between April 30, 2021, and November 9, 2021.

48. Investigators believe the **Target Account** belonged to and was utilized by MONTEER because the profile contained photos of MONTEER, indicates he attended high school in Liberty, Missouri, and lists Kansas City, Missouri as where he lives and where his is from. That demographic information is consistent with that of MONTEER. Additionally, there are comments on the profile made by profiles belonging to Brittney Stanley, MONTEER's girlfriend and female

present on October 3, 2021 contact with law enforcement at the VRBO residence, and Vicky Monteer-Grayson, MONTEER's mother.

49. On May 8, 2021, LEWIS sent a message to the **Target Account** stating, "I need some chips i got some money on me like200". Investigators know through training and experience that "chips" used in this context refers to methamphetamine.

50. On May 11, 2021, LEWIS sent messages to the **Target Account** asking, "We got some blues around" and stating, "Gotta 50 play". Investigators know through training and experience that "blues" refer to the counterfeit oxycodone pills containing fentanyl that are typically blue in color and stamped with "M" and "30." Investigators also know "play" in this context means a drug sale.

51. On May 23, 2021, LEWIS sent messages to the **Target Account** stating, "U still got some food" and "or feddi". Investigators know through training and experience that "food" is a reference to heroin and "feddi" refers to fentanyl. MONTEER, utilizing the **Target Account**, responded, "Yea I got some but I gotta have cash and fr fr I might be trippin but it seemed like dude was on some bullshit".

52. On August 4, 2021, LEWIS sent a message to the **Target Account** asking, "chips ??" Again, investigators know that "chips" means methamphetamine. After that message was sent, LEWIS attempted to call MONTEER through Facebook, but MONTEER missed the call. A few hours later, LEWIS and MONTEER, utilizing the **Target Account**, communicated through a Facebook video chat.

53. On August 7, 2021, LEWIS sent a message to the **Target Account** stating, "chips cuz" and MONTEER responded, "call me". LEWIS then asked MONTEER, "here or on yo number foo".

54. On August 21, 2021, MONTEER sent a message to LEWIS from the **Target Account** asking, “Yea where’s my glock”. Investigators know a Glock is a type of firearm and that both MONTEER and LEWIS are prohibited from possessing firearms because they both have been convicted of felony offenses.

55. On September 3, 2021, LEWIS sent a message to the **Target Account** stating, “U pulling up sometime soon bro I forgot to shoot u some cash on some chips”.

56. On October 27, 2021, the date of the CI’s controlled purchase of methamphetamine and fentanyl from LEWIS for \$3,500 in pre-recorded buy money, MONTEER, utilizing the **Target Account**, sent a message to LEWIS asking, “Who”. LEWIS responded, “Bitch just dropped dat 3500”. As outlined above, MONTEER supplied LEWIS with the methamphetamine and fentanyl purchased by the CI in this transaction.

57. On November 23, 2021, and April 19, 2022, investigators sent Facebook a preservation request related to the **Target Account**.

BACKGROUND ON FACEBOOK

58. Facebook owns and operates a free-access social networking website of the same name that can be accessed at <http://www.facebook.com>. Facebook allows its users to establish accounts with Facebook, and users can then use their accounts to share written news, photographs, videos, and other information with other Facebook users, and sometimes with the general public.

59. Facebook asks users to provide basic contact information to Facebook, either during the registration process or thereafter. This information may include the user’s full name, birth date, contact e-mail addresses, physical address (including city, state, and zip code), telephone numbers, screen names, websites, and other personal identifiers.

60. Facebook users can select different levels of privacy for the communications and information associated with their Facebook accounts. By adjusting these privacy settings, a Facebook user can make information available only to himself or herself, to particular Facebook users, to all Facebook users, or to anyone with access to the Internet, including people who are not Facebook users. Facebook accounts also include other account settings that users can adjust to control, for example, the types of notifications they receive from Facebook.

61. Facebook users may join one or more groups or networks to connect and interact with other users who are members of the same group or network. A Facebook user can also connect directly with individual Facebook users by sending each user a “Friend Request.” If the recipient of a “Friend Request” accepts the request, then the two users will become “Friends” for purposes of Facebook and can exchange communications or view information about each other. Each Facebook user’s account includes a list of that user’s “Friends” and a “News Feed,” which highlights information about the user’s “Friends,” such as profile changes, upcoming events, and birthdays.

62. Facebook users can select different levels of privacy for the communications and information associated with their Facebook accounts. By adjusting these privacy settings, a Facebook user can make information available only to himself or herself, to particular Facebook users, or to anyone with access to the Internet, including people who are not Facebook users. A Facebook user can also create “lists” of Facebook friends to facilitate the application of these privacy settings. Facebook accounts also include other account settings that users can adjust to control, for example, the types of notifications they receive from Facebook.

63. Facebook users can create profiles that include photographs, lists of personal interests, and other information. Facebook users can also post “status” updates about their

whereabouts and actions, as well as links to videos, photographs, articles, and other items available elsewhere on the Internet. Facebook users can also post information about upcoming “events,” such as social occasions, by listing the event’s time, location, host, and guest list. A particular user’s profile page also includes a “Wall,” which is a space where the user and his or her “Friends” can post messages, attachments, and links that will typically be visible to anyone who can view the user’s profile.

64. Facebook allows users to upload photos and videos, which may include any metadata such as location that the user transmitted when s/he uploaded the photo or video. It also provides users the ability to “tag” (i.e., label) other Facebook users in a photo or video. When a user is tagged in a photo or video, he or she receives a notification of the tag and a link to see the photo or video. For Facebook’s purposes, the photos and videos associated with a user’s account will include all photos and videos uploaded by that user that have not been deleted, as well as all photos and videos uploaded by any user that have that user tagged in them.

65. Facebook users can exchange private messages on Facebook with other users. These messages, which are similar to e-mail messages, are sent to the recipient’s “Inbox” on Facebook, which also stores copies of messages sent by the recipient, as well as other information. Facebook users can also post comments on the Facebook profiles of other users or on their own profiles; such comments are typically associated with a specific posting or item on the profile. In addition, Facebook has a Chat feature that allows users to send and receive instant messages through Facebook. These chat communications are stored in the chat history for the account. Facebook also has a Video Calling feature, and although Facebook does not record the calls themselves, it does keep records of the date of each call.

66. Facebook also retains Internet Protocol (“IP”) logs for a given user ID or IP address. These logs contain information about the actions taken by the user ID or IP address on Facebook, including information about the type of action, the date and time of the action, and the user ID and IP address associated with the action. For example, if a user views a Facebook profile, that user’s IP log would reflect the fact that the user viewed the profile, and would show when and from what IP address the user did so.

67. Facebook has a “like” feature that allows users to give positive feedback or connect to particular pages. Facebook users can “like” Facebook posts or updates, as well as webpages or content on third-party (*i.e.*, non-Facebook) websites. Facebook users can also become “fans” of particular Facebook pages.

68. Facebook has a search function that enables its users to search Facebook for keywords, usernames, or pages, among other things.

69. Each Facebook account has an activity log, which is a list of the user’s posts and other Facebook activities from the inception of the account to the present. The activity log includes stories and photos that the user has been tagged in, as well as connections made through the account, such as “liking” a Facebook page or adding someone as a friend. The activity log is visible to the user but cannot be viewed by people who visit the user’s Facebook page.

70. Facebook Notes is a blogging feature available to Facebook users, and it enables users to write and post notes or personal web logs (“blogs”), or to import their blogs from other services, such as Xanga, LiveJournal, and Blogger.

71. The Facebook Gifts feature allows users to send virtual “gifts” to their friends that appear as icons on the recipient’s profile page. Gifts cost money to purchase, and a personalized message can be attached to each gift. Facebook users can also send each other “pokes,” which are

free and simply result in a notification to the recipient that he or she has been “poked” by the sender.

72. Facebook also has a Marketplace feature, which allows users to post free classified ads. Users can post items for sale, housing, jobs, and other items on the Marketplace.

73. In addition to the applications described above, Facebook also provides its users with access to thousands of other applications (“apps”) on the Facebook platform. When a Facebook user accesses or uses one of these applications, an update about that the user’s access or use of that application may appear on the user’s profile page.

74. Facebook uses the term “Neoprint” to describe an expanded view of a given user profile. The “Neoprint” for a given user can include the following information from the user’s profile: profile contact information; News Feed information; status updates; links to videos, photographs, articles, and other items; Notes; Wall postings; friend lists, including the friends’ Facebook user identification numbers; groups and networks of which the user is a member, including the groups’ Facebook group identification numbers; future and past event postings; rejected “Friend” requests; comments; gifts; pokes; tags; and information about the user’s access and use of Facebook applications.

75. Social networking providers like Facebook typically retain additional information about their users’ accounts, such as information about the length of service (including start date), the types of service utilized, and the means and source of any payments associated with the service (including any credit card or bank account number). In some cases, Facebook users may communicate directly with Facebook about issues relating to their account, such as technical problems, billing inquiries, or complaints from other users. Social networking providers like Facebook typically retain records about such communications, including records of contacts

between the user and the provider's support services, as well records of any actions taken by the provider or user as a result of the communications.


76. As explained herein, information stored in connection with a Facebook account may provide crucial evidence of the "who, what, why, when, where, and how" of the criminal conduct under investigation, thus enabling the United States to establish and prove each element or alternatively, to exclude the innocent from further suspicion. In my training and experience, a Facebook user's "Neoprint," IP log, stored electronic communications, and other data retained by Facebook, can indicate who has used or controlled the Facebook account. This "user attribution" evidence is analogous to the search for "indicia of occupancy" while executing a search warrant at a residence. For example, profile contact information, private messaging logs, status updates, and tagged photos (and the data associated with the foregoing, such as date and time) may be evidence of who used or controlled the Facebook account at a relevant time. Further, Facebook account activity can show how and when the account was accessed or used. For example, as described herein, Facebook logs the Internet Protocol (IP) addresses from which users access their accounts along with the time and date. By determining the physical location associated with the logged IP addresses, investigators can understand the chronological and geographic context of the account access and use relating to the crime under investigation. Such information allows investigators to understand the geographic and chronological context of Facebook access, use, and events relating to the crime under investigation. Additionally, Facebook builds geo-location into some of its services. Geo-location allows, for example, users to "tag" their location in posts and Facebook "friends" to locate each other. This geographic and timeline information may tend to either inculcate or exculpate the Facebook account owner. Last, Facebook account activity may provide relevant insight into the Facebook account owner's state of mind as it relates to the offense

under investigation. For example, information on the Facebook account may indicate the owner's motive and intent to commit a crime (e.g., information indicating a plan to commit a crime), or consciousness of guilt (e.g., deleting account information in an effort to conceal evidence from law enforcement).

77. Therefore, the computers of Facebook are likely to contain all the material just described, including stored electronic communications and information concerning subscribers and their use of Facebook, such as account access information, transaction information, and account application.

78. Based upon the foregoing information, investigators believe there is probable cause that MONTEER utilized the **Target Account** to commit the **Target Offenses**. Therefore, there is probable cause to believe the **Target Account** contains evidence of the **Target Offenses**.

FURTHER AFFIANT SAYETH NAUGHT.


PHILIP SIPPLE
Task Force Officer
Federal Bureau of Investigation

Subscribed to and sworn to before me this 10th day of May, 2022.

By telephone at 4:02 pm


HONORABLE W. BRIAN GADDY
United States Magistrate Judge
Western District of Missouri

